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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

18 CR 759 (RMB)

5 JAMES MOORE and SAVRAJ
6 GATA-AURA,

7 Defendants.

Conference

8 -----x

9 New York, N.Y.
May 29, 2019
11:00 a.m.

10
11 Before:

12 HON. RICHARD M. BERMAN,

13 District Judge

14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 BY: MARTIN BELL

VLADISLAV VAINBERG

18 Assistant United States Attorney

19 DAVID M. GARVIN, PA

Attorneys for Defendant Moore

20 BY: DAVID M. GARVIN

21 RANDY ZELIN, ESQ.

Attorney for Defendant Gata-Aura

22
23 Also Present: Special Agent Jordan Anderson, FBI
24 Nathaniel Cooney, Paralegal

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(Case called)

THE COURT: Please be seated.

I think somebody had made an arraignment for Mr. Moore to appear by phone or video today. It hasn't happened as far as we're aware.

The question to defense is: Is it okay to waive Mr. Moore's appearance or do you want to wait?

MR. GARVIN: Yes, your Honor. I spoke with Mr. Moore with the understanding that there was a possibility that might occur. He made it clear to me that if it did occur, he would like us to go forward.

THE COURT: It's not uncommon I should tell you. Sometimes it works when these video hookups are attempted and unfortunately sometimes it doesn't.

First of all, I think the government may have the most information about this, about whether or not Mr. Moore will be here and when he will be here. Our trial is scheduled for Monday.

Do you think he will make it, Mr. Bell?

MR. BELL: The short answer, your Honor, is yes. Candidly he should have been here now and it is our understanding he was on our way to a plane and there was a paperwork snafu --

THE COURT: A glitch. There was a glitch.

MR. BELL: -- in Florida.

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1 The folks in Florida have informed us that he is due
2 to fly up specifically on Friday. We will look to confirm that
3 once again today. He should be here on Monday. They are
4 mindful of the fact that the trial begins on Monday and he
5 should be here.

6 I will note that to the extent he is not here today,
7 there had been an understanding before that it might be
8 difficult to get him on a plane to actually get him here for
9 the pretrial conference. Likewise, because ordinarily at least
10 at the Florida office of the Bureau of Prisons, it takes about
11 five days' notice to provide for staffing in order for him to
12 be in a facility where he can call into the conference, and we
13 learned that he wasn't going to be here promptly pretty far in
14 advance into that window. He should be here on Monday because
15 he is due to be on a plane certain on Friday.

16 THE COURT: Counsel, does that square with what your
17 understand is?

18 MR. GARVIN: The first half of it with the snafu, yes,
19 your Honor. The second half the staff has been noncommittal
20 with Mr. Moore. They told him that they are doing his best,
21 but that was as far as they needed to give him an answer.

22 THE COURT: As far as I know, Mr. Bell's recitation is
23 correct. You never know until you know in this business.

24 MR. GARVIN: We intend to be here Monday morning, your
25 Honor.

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1 THE COURT: Will you need to see him before then and
2 if so, you will be in touch with Mr. Bell to know where he is.

3 MR. GARVIN: Your Honor, the answer to your question
4 is yes.

5 THE COURT: You may need to be in touch with the
6 marshals.

7 MR. GARVIN: Yes. That is one issue I did want to
8 raise. Perhaps now would be the appropriate time. That is
9 that I wanted to furnish Mr. Moore civilian clothes so that he
10 can be brought up before the jury is placed in the stand and
11 then when the jury leaves, he will be taken out of civilian
12 clothes.

13 THE COURT: Right.

14 MR. GARVIN: I didn't know if the person to contact
15 would be the marshals or who would be the person.

16 THE COURT: Normally it is. Mr. Bell can help you out
17 in that regard. It is a common practice. I have seen
18 occasions where counsel bring the clothes actually to the
19 courtroom the same day and the prisoner is able to change in
20 the cell.

21 MR. GARVIN: We're fine with that, your Honor.

22 THE COURT: I don't know if you will get to see him
23 before then, but for sure that will happen.

24 MR. BELL: I have seen that too, your Honor. I am
25 happy to reach out to the criminal desk at the Marshal's

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1 office, because sometimes policies change, and to connect
2 Mr. Garvin with the appropriate person there as well.

3 THE COURT: Great.

4 I put out an order on May 23rd raising some questions
5 about the trial and then a subsequent trial with Mr. Gata-Aura
6 and wanted to hear if any defense counsel had any concerns
7 about prejudice or if that is what they both want to do,
8 proceed Monday with Mr. Moore and at a some subsequent time
9 with Mr. Gata-Aura. So we'll start with Mr. Moore since it's
10 closest in time to your client's trial.

11 MR. GARVIN: Yes, your Honor. Respectfully Mr. Moore
12 wishes to proceed on Monday morning.

13 THE COURT: You needn't say more unless you want to.

14 Do I have counsel here for Mr. Gata-Aura?

15 MR. ZELIN: Good morning, your Honor.

16 THE COURT: Good morning.

17 MR. ZELIN: Randy Zelin, Z-e-l-i-n, for Mr. Gata-Aura,
18 who is to my left and your Honor's left.

19 If your Honor please, my client was arraigned on the
20 superseding indictment this past Thursday, May 23rd. At this
21 juncture, I believe consistent with the colloquy I had with the
22 Court and the government at the time of my client's
23 arraignment, I expect to meet and confer with the government in
24 the not too distant future to discuss both, I guess for lack of
25 a better way of putting it, some open-file discovery or

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1 discovery prior to the actual formal filing of Rule 16 demands.

2 I would respectfully submit, your Honor, that at this
3 moment it would be premature for me to posit as far as a trial,
4 a trial schedule, trial readiness and things of that nature.

5 THE COURT: But it certainly is not Monday?

6 MR. ZELIN: We will not be able to proceed on Monday,
7 your Honor.

8 THE COURT: You have no objection with our proceeding
9 with Mr. Moore on Monday; is that a fair statement?

10 MR. ZELIN: No objection, your Honor.

11 THE COURT: We're still missing names, places,
12 entities for the voir dire. We usually have it by now. We
13 need it to pick a jury.

14 MR. VAINBERG: Your Honor, I believe we intended to
15 submit that.

16 THE COURT: When I say names and places. Names we
17 usually like to show an address. Not a street address
18 necessarily, but if the person lives in the Bronx or Staten
19 Island or whatever and/or an occupation so the jury doesn't
20 say, Well, I know a Mr. Bell, but it is not the same Mr. Bell
21 that we're talking about.

22 MR. VAINBERG: Yes, your Honor. I believe we had
23 filed a joint list along with our proposed voir dire; but if it
24 didn't make it on the docket, we'll submit it to the Court
25 today.

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1 THE COURT: Hold on.

2 THE DEPUTY CLERK: No, Judge.

3 THE COURT: We didn't get it. Christian said we
4 didn't get it.

5 MR. VAINBERG: We'll file it.

6 THE COURT: It has the information that I am looking
7 for?

8 MR. VAINBERG: I believe it contains the names of the
9 witnesses, but not additional information that the Court has
10 requested. So we'll include information about their
11 occupations.

12 THE COURT: For the witnesses to be sure their
13 occupations and any places that will be discussed at trial.

14 MR. VAINBERG: Yes, your Honor.

15 THE COURT: And any other names that are going to be
16 mentioned apart from names of the witnesses, for example. They
17 may talk about Mr. Zelin or something like that and so we would
18 have to know who Mr. Zelin is for the jury.

19 MR. VAINBERG: Yes, your Honor.

20 THE COURT: Can we have that by, say, 3:00 today?

21 MR. VAINBERG: Yes, your Honor.

22 THE COURT: Great.

23 I think then that leaves us with some open motions.

24 With respect to motions in limine, I am deciding them as
25 follows and not necessarily in this order, but there is a

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1 motion to admit Mr. Moore's involvement in forming and
2 promoting Our Space, which is a competitor to Bar Works.

3 By the way these things would have to be on your list,
4 these names, if they aren't already and what are they so to
5 speak.

6 During and after the charged conspiracy -- this is the
7 easy motion because the defense says that Mr. Moore does not
8 object to the admission of this evidence to complete the story
9 as to what Mr. Moore did when he left Bar Works. So that
10 motion is granted on consent.

11 This is a government motion. I think they are all
12 government motions actually. There is a motion to admit the
13 existence of publications and press releases on the Internet
14 before and through the period of the charged conspiracy, which
15 referred to or discussed Mr. Haddow's adverse regulatory
16 history and his real name. Here, the defense requests that the
17 Court limit this evidence to the testimony of Mr. Haddow and
18 any articles Mr. Moore may have made reference to in emails to
19 Mr. Haddow.

20 The defense does not challenge Haddow's statement that
21 he created the name Jonathan Black in part because there were
22 negative articles about him on the Internet during the period
23 2014 through 2016.

24 So this motion is granted in part and denied in part
25 as follows: I will limit the evidence that may be admitted in

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1 connection with this motion to evidence of the negative
2 Internet information of Haddow to such testimony and documents
3 that would include emails and articles mentioned by Mr. Moore
4 if he were to take the stand for example, and if he weren't as
5 he might reflect in other evidence that is going to be admitted
6 perhaps by an email for example or emails to Mr. Haddow and/or
7 others involved in the alleged scheme. The admission of other
8 negative Internet materials and articles regarding Mr. Haddow
9 will be denied.

10 MR. BELL: Judge, may we be heard on that one briefly?

11 THE COURT: Very briefly.

12 MR. BELL: Judge, we don't --

13 THE COURT: So we're not allowing the Internet world
14 into this case because it has bad comments about one person or
15 another. We're not doing that unless it is limited to as I
16 said and in the fashion I said. You cannot come in with a
17 whole bunch of Internet information by people we have no idea
18 who they are or articles that are not directly referenced by
19 either the defendant or Mr. Haddow.

20 MR. BELL: So that is something your Honor --

21 THE COURT: -- and/or emails.

22 That is the ruling.

23 MR. BELL: We understand that, your Honor. Let me
24 give you a little bit of color as to --

25 THE COURT: I don't need color. I need to know what

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1 you are trying to admit that is not included in that ruling.

2 MR. BELL: What we were looking to admit, your Honor,
3 is approximately four or five I would say either releases from
4 British regulatory authorities or coverage of Mr. Haddow's past
5 activities that fits in with that negative history.

6 THE COURT: So that would be excluded under my ruling.
7 If you want to discuss it with defense counsel and see if he
8 agrees, that might be one way to get it in.

9 MR. BELL: The problem here, Judge, is that as I
10 understand your Honor's ruling, any of those items, their
11 admissibility would be tethered to some documented sense that
12 Mr. --

13 THE COURT: Frankly I don't understand what you are
14 talking about -- tethered to. Talk to defense counsel and see
15 if you can work it out. He may have no objection in which case
16 I would not either. Otherwise, I do. If there is a press
17 release by the U.K. securities and exchange commission about
18 him, no.

19 MR. BELL: Just so that I understand this so we might
20 be able to work around this in our discussions with Mr. Garvin,
21 is your Honor's concern that there would be a prejudice to Mr.
22 Moore who is not mentioned in those materials?

23 THE COURT: I am concerned about the most obvious
24 example of hearsay and I am not going to let it in.

25 MR. BELL: Would it be possible, Judge, to blunt

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1 against that with a limiting instruction that the parties or
2 that the government could propose that essentially --

3 THE COURT: You can propose it separately. First, you
4 should talk to defense counsel and see if what you are seeking
5 to admit is okay with him.

6 MR. BELL: I understand that, Judge.

7 THE COURT: Secondly, you will send me a letter if
8 you fail in that. I think you will not fail. But if you fail
9 in that connection, you can make a separate proposal this
10 afternoon.

11 MR. BELL: I understand that, your Honor. We will
12 speak to Mr. Garvin about that and put something in.

13 THE COURT: How do you know?

14 MR. BELL: Only because he made the motion, Judge.

15 THE COURT: He made the motion to exclude?

16 MR. BELL: Well, rather because he opposed our motion.

17 THE COURT: I thought they were all your motions.

18 MR. BELL: Correct. I am sorry there, Judge. Only
19 because Mr. Moore's counsel had essentially opposed.

20 THE COURT: So, yes. We got it. You will talk to
21 him. If it works out, it will work out. If it doesn't, he
22 will make a suggestion. I am pretty comfortable with the
23 ruling I have made so far.

24 MR. BELL: Thank you, Judge.

25 THE COURT: There is another motion by the government

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1 to admit Moore's prior business relationships with Renwick
2 Haddow, who is the founder of Bar Works, and the coconspirator
3 in the charged conspiracy, who allegedly with Moore's
4 assistance misled investors about the identity and control of
5 Bar Works. The defense says that Mr. Moore denies that he ever
6 worked at Rooms to Invest.

7 Incidentally, that would be another item on your list
8 for the jury, Rooms to Invest.

9 Mr. Moore further denies that he ever worked on any
10 project with Haddow or was associated with prior to Bar Works
11 in late 2015. This is the defense speaking, Mr. Moore did not
12 locate agents for Rooms to Invest. He owned a parcel of
13 property in Barbados that he offered to Haddow for his Rooms to
14 Invest concept. Haddow declined the offer.

15 So the motion in this sense is granted. The Court
16 will allow such testimony as background to show the prior
17 relationship the parties had prior to the Bar Works alleged
18 fraudulent scheme. The government will in the process need to
19 advise the jury that it is not alleging that Rooms to Invest
20 was a fraud or an unlawful scheme.

21 I am sure you are okay with that; right?

22 MR. VAINBERG: Yes, your Honor.

23 THE COURT: So two more. There is a motion also from
24 the government to admit Mr. Moore's conviction for misprision
25 of felony in connection with the unlawful disbursement to Moore

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1 of escrow deposit funds from approximately 1,750 clients of IAP
2 intended for a Florida real estate condominium project.

3 The defense says that Mr. Moore's conviction regarding
4 an isolated conversation that occurred approximately 10 years
5 ago with Paul Oxley -- another name you should have on your
6 list -- does not have any probative value whatsoever on this
7 issue. It is patently irrelevant and will only confuse the
8 jury.

9 This motion by the government is granted. The
10 defendant's prior conviction based upon a fraudulent real
11 estate investment scheme is relevant in this case and the Court
12 will permit its introduction through defendant's plea agreement
13 and plea allocution. This conviction arises out of Moore's
14 role in Inside Track and Instant Access Properties and the
15 introduction of Mr. Moore's experience with Inside Track and
16 Instant Access Properties is admissible to prove knowledge,
17 intent, and absence of mistake. Assuming as I do that the
18 defense claim is that the defendant had no intent to defraud
19 and that he along with the investors was himself duped.

20 A cite that you might rely on is *United States v.*
21 *Alcantara*, 674 F. App'x. (2d Cir. 2006) and *United States v.*
22 *Francisco*, 35 F.3d 116 (4th Cir. 1994).

23 The last motion is from the government motion to admit
24 Mr. Moore's involvement in founding and operating the British
25 Property Investment Company's Inside Track seminars and Instant

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1 Access Properties, which sold educational seminars and marketed
2 real estate property purportedly vetted by IAP to investors.

3 The defense opposes the introduction of this evidence
4 of Inside Track seminars and Instant Access Properties. The
5 defense argues that Renwick Haddow was never involved in those
6 businesses and those businesses failed in approximately 2008
7 due to the real estate crash of that year.

8 This motion is granted as follows: The Court will
9 allow the introduction of Mr. Moore's experience with Inside
10 Track and Instant Access Properties as 404(b) evidence to prove
11 knowledge, intent and absence of mistake. In reaching this
12 conclusion to introduce such evidence, I have relied on Federal
13 Rule of Evidence 403 along with the Second Circuit's
14 inclusionary approach to other act evidence under Rule 404(b),
15 which does allow evidence to be admitted for any purpose other
16 than to demonstrate criminal propensity.

17 Those are the rulings. I don't know that there is any
18 other issues that we have for today.

19 MR. BELL: Just a couple, Judge.

20 First, just so that we understand one of the rulings
21 that your Honor made, to the extent that Mr. Haddow testifies
22 that he is familiar or that he was at the time familiar with
23 the particular release or article about his doings in Great
24 Britain, would that fall within your Honor's ruling as in the
25 same way that it would for Mr. Moore?

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1 THE COURT: What do you think? You heard the ruling.

2 MR. BELL: I did. But insofar --

3 THE COURT: What do you conclude?

4 MR. BELL: I would conclude yes because Mr. Moore and
5 Mr. Haddow were coconspirators and Count One charges a
6 conspiracy.

7 THE COURT: I don't want to get into specific evidence
8 in or out. I thought the rulings were pretty clear. You can
9 talk again to defense counsel and see if he thinks it is in or
10 out. If you have a difference of opinion, when you get the
11 transcript and see what the ruling is, then I will give you an
12 answer.

13 MR. BELL: Understood.

14 Another issue, Judge, is this is something where we
15 have conferred and reached an agreement but just wanted to make
16 your Honor aware of it. One of the things that the government
17 has to demonstrate is that essentially the substance of the
18 misrepresentation alleged here that Jonathan Black was the
19 person who was running Bar Works as opposed to Mr. Haddow is in
20 fact material. We intend to call a number of victim witnesses
21 and among the questions that we would ask them in order to
22 prove up this element is whether it would have mattered that
23 someone with and then we would outline Mr. Haddow's regulatory
24 history was running Bar works. If they had known that, would
25 it have affected the way in which they approached the

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1 investment.

2 Ordinarily I think that is a relatively
3 uncontroversial point. The order of witnesses is such that we
4 may wind up asking witnesses that question before the factual
5 predicate relating to Haddow's actual history is on the line.

6 THE COURT: It is better to do that the other way.

7 MR. BELL: Because it is a short trial, there are
8 constraints with witness availability. My understanding is
9 that Mr. Garvin is all right with it. So I wanted to note that
10 for your Honor.

11 MR. GARVIN: Your Honor, yes, the defense is all right
12 with that. No, the defense will not be taking a position
13 during this trial that that would not be material. In plain
14 words, materiality of that misrepresentation is not going to be
15 an issue in this trial.

16 THE COURT: Got it. Good.

17 Oh, my.

18 MR. BELL: Sorry, Judge.

19 THE COURT: This is not going to happen during the
20 trial; is it?

21 MR. BELL: We're clearing a whole bunch of issues out
22 so we don't have to deal with them later on, Judge.

23 Am I right in understanding your trial day is a 9:30
24 start?

25 the cp: 9:15.

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1 MR. BELL: And we go to 5:00.

2 THE COURT: 4:45.

3 MR. BELL: Given that, Judge --

4 THE COURT: Usually we take a short lunch break and I
5 will ask the jury some time around 11:00 and maybe again at
6 3:00 if anybody needs it a bath room break.

7 MR. BELL: Given that, Judge, just to give your Honor
8 a sense of time, we have --

9 THE COURT: If you don't have a witness when the
10 witness who is on the stand is finished, then the trial is
11 over.

12 MR. BELL: We'll be mindful of that, Judge.

13 Our belief is that we should rest some time early
14 Thursday. That's the way that things project at this point.
15 It may be that in order to both work around a scheduling
16 constraint or two with the witness and to use the jury's time
17 in the best way possible, there may be a point towards the back
18 end where we ask to take a witness out of order just so that we
19 can get them in and out and use the time well.

20 THE COURT: As a practical matter if you could finish
21 it by Wednesday that will be better. I don't know if it will
22 work or not, but it would be much better to have that whole day
23 Thursday to devote summation and jury instruction.

24 MR. BELL: Judge, we have one witness who we're trying
25 to deal with now who is not going to be available Wednesday,

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1 but that witness would be even if he is a holdover, a
2 relatively short witness at the beginning of Thursday.

3 THE COURT: Is he or she a must witness, or is it
4 cumulative of what somebody else is going to say?

5 MR. BELL: The witness does provide some facts that no
6 other witness does, but we may make a determination depending
7 on where we are and how things have come through.

8 THE COURT: Yes.

9 MR. BELL: We want to get this done as quickly as
10 possible.

11 THE COURT: I know that. I know how juries react. If
12 we have that time, you might be able to finish get a verdict on
13 the same day.

14 MR. BELL: Understood.

15 THE COURT: It takes however long it takes.

16 MR. BELL: The schedule is a little bit of an
17 interesting creature because there is one witness and
18 Mr. Haddow who we think will take the most time on direct and
19 through Mr. Garvin's estimate on cross. There are a number of
20 witnesses before that who will move very, very quickly. So we
21 are doing the best we can to work within those constraints.

22 THE COURT: Okay.

23 MR. BELL: Mindful of that too and because the trial
24 is going to be so short, it may make sense for us to talk about
25 a charge conference timeline now.

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1 THE COURT: No. We'll talk about that when we talk
2 about it. We'll see where we are. But as soon as you finish,
3 I will be ready for a charge conference. I will distribute to
4 you a draft some time before then enough for you to look
5 through it.

6 MR. BELL: Understood.

7 There may be, Judge, supplemental requests to charge
8 that we have just based on things that come up within the
9 trial. We don't anticipate them. We think we did a pretty
10 thorough job within what the parties jointly submitted to the
11 Court. But if they do come up, we'll get them in promptly.

12 THE COURT: I suppose from what you are saying, you
13 wouldn't need the three days, right, for testimony, the full
14 three days? Monday, Tuesday, Wednesday.

15 MR. BELL: We are assuming, Judge, that it may take
16 until lunch on Monday to pick a jury. We don't anticipate much
17 longer than that because it is a short trial.

18 THE COURT: If we get the jury pool up here.

19 MR. BELL: If they are up here promptly. Because it
20 is only a week, we anticipate that there will not be a lot of
21 hardship cases. Assuming for to the moment that we start, say,
22 at 2:00 or so on Monday afternoon as tends to happen in this
23 courthouse in my experience and we have opening statements, we
24 will get in a witness or two on Monday and then we'll have two
25 full days -- Tuesday, Wednesday and a little bit of Thursday --

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1 after which the government would rest. So it would effectively
2 be a little bit shy of three days.

3 THE COURT: I get it. Obviously it takes us what it
4 takes. I will be here and we're not going to rush the jurors
5 or the defense or the government.

6 MR. BELL: We have Special Agent Jordan Anderson our
7 case agent here. This may or may not come up. It frequently
8 doesn't. We usually stipulate these things away to the extent
9 necessary. But to the extent that there are departures,
10 deviations between what is in the 302s and what other witnesses
11 testify to, Mr. Garvin has asked to call Mr. Anderson as a
12 witness on some of those scores. If he does in fact want to
13 call him, we want to make sure that the Court is okay with
14 Mr. Anderson actually being here as the case agent through the
15 trial. I don't think there is a sequestration issue, but I
16 note that now so we don't run headlong into it later.

17 MR. GARVIN: There is no problem from the defense.

18 THE COURT: It is common practice.

19 MR. BELL: Is your Honor's jury selection method sort
20 of the standard struck panel type? Would we look for only one
21 alternate, perhaps two in light of the relatively short
22 duration of the trial?

23 THE COURT: Let's leave that until Monday. I am not
24 sure. I want to look over the submissions, etc. I am not sure
25 how many alternates we're going to have.

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MR. BELL: One moment, please.

(Pause)

MR. BELL: Judge, I think that is all we had save for one matter.

THE COURT: Is there anything that I have talked about or that you all know about that I don't know about that can be stipulated instead of a witness for example?

MR. BELL: We're working on a number of stipulations now. There are any number of custodians we'll happily not have to call.

THE COURT: That is not what I am talking about. That for sure should be a stipulation. I mean substantive if the witness were called, the witness would say the following.

MR. BELL: There will be a handful of those as well and we'll discuss it more with Mr. Garvin once we're done here. I think that as it is, Judge, we're looking at a trial that is going to consist of fewer than 10 witnesses and only one of those is going to be of any real length. We're already I think in a pretty streamlined place.

THE COURT: I am not necessarily thinking of streamlining. I am thinking if there is no disagreement between the parties, then why not.

MR. BELL: Understood. As I understand Mr. Garvin's principal defense, which is essentially that Jonathan Black was not real but that his client did not know about that, there are

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1 some things we can work around there.

2 THE COURT: You talk to him and see.

3 MR. BELL: The only other issue, Judge, is were Mr.
4 Moore here, we would look to have him allocuted on prior plea
5 offers pursuant to the Supreme Court decisions in *Lafler* and
6 *Frye*.

7 THE COURT: I am not sure. You are more attune than I
8 am. I don't know what he needs to be allocuted.

9 MR. BELL: Ordinarily, Judge, what we would do prior
10 to the start of the trial is we would --

11 THE COURT: That might be the perfect thing for us to
12 stipulate to.

13 MR. BELL: That we cannot stipulate to, Judge.

14 THE COURT: What do you have to ask?

15 MR. BELL: What we would allocute Mr. Moore to is
16 whether has received a formal plea offer prior to this. We
17 would make a representation with respect to that. What I was
18 merely going to suggest, Judge, is because Mr. Moore is not
19 here now that we do that while we're waiting for the jury pool
20 to come up on Monday.

21 THE COURT: Is that okay with you, Mr. Garvin?

22 MR. GARVIN: Yes, sir.

23 THE COURT: That works for me.

24 MR. BELL: I meant to say Monday, Judge, if I did not.

25 THE COURT: So if you could break out the lists in two

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1 separate pages, one for names and addresses of people and the
2 other for locations, business entities on another list.

3 MR. GARVIN: Your Honor, may I be heard for one
4 moment?

5 THE COURT: Sure.

6 MR. GARVIN: I apologize. I know the Court was clear
7 but I still have a question.

8 THE COURT: Frequently that happens.

9 MR. GARVIN: On the prior conviction for a misprision
10 on a felony arising from the Lake Austin Real Estate deal in
11 Orlando, Florida, the Court made reference that it was rolling,
12 that the government's motion was granted as to I think I heard
13 the Court say the plea colloquy and allocution, but I am not
14 certain. I apologize.

15 THE COURT: I said plea agreement and plea allocution.

16 MR. GARVIN: Okay.

17 THE COURT: You may want to get a copy of the
18 transcript and go through it and see if there is anything you
19 want. I think that is it then.

20 Nice to see you.

21 MR. ZELIN: Your Honor, one quick note with regard to
22 my client, Mr. Gata-Aura. Your Honor will recall as a
23 condition of the -- two conditions of the bail package that was
24 worked out with the government and so ordered by your Honor
25 this past Thursday, one condition was that my client post

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1 \$5,000 in cash or \$5,000 of collateral. We do have a bank
2 check made payable to the clerk, which we'll bring down to the
3 Clerk's Office.

4 The other condition, which is that two additional
5 cosigners sign off on the bond, I have advised the government
6 that my client's wife and mother-in-law are both present in the
7 courtroom and I will bring them to the clerk to cosign the
8 bond.

9 THE COURT: Nice to see you all.

10 We're adjourned.

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